



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

October 04, 2011

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

33      October 4, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION  
FOR ABANDONMENT OF AN OFFER TO DEDICATE ROAD EASEMENT AND VACATION OF A  
SLOPE EASEMENT ON GERTRUDE AVENUE  
IN THE COMMUNITY OF LA CRESCENTA  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

### **SUBJECT**

This action will allow the County of Los Angeles to abandon an offer of dedication for road easement and vacate a slope easement on Gertrude Avenue in the community of La Crescenta that are no longer needed for public use. The vacation has been requested by the underlying property owners to enhance the property and provide an additional buildable area.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the offer of dedication for road easement and the easement for slope purposes on Gertrude Avenue in the community of La Crescenta have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that they may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.
3. Terminate the offer of dedication for road easement on Gertrude Avenue and abandon the County of Los Angeles' right to accept and open the street pursuant to Section 66477.2(c) of the California Government Code.

4. Find that the easement for slope purposes on Gertrude Avenue in the community of La Crescenta is excess and there are no other public utilities located within the easement and that it may, therefore, be vacated pursuant to Section 8333(c) of the California Streets and Highways Code.

5. Adopt the Resolution of Summary Vacation.

6. Upon approval, authorize the Director of Public Works to record the certified original resolution with the office of the Los Angeles County Registrar-Recorder/County Clerk.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles (County) to abandon the offer of dedication for road easement and vacate the easement for slope purposes on Gertrude Avenue (Easements) in the community of La Crescenta, since the offer of dedication for road purposes has expired, and the easement for slope purposes no longer serves the purpose for which it was dedicated and is not required for public use.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The vacation of the Easements will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The applicant has paid a \$1,000 fee to defray the expense of the investigation. This amount has been deposited into the Road Fund. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area of the offer of dedication for road easement to be abandoned contains approximately 3,750 square feet, and the area of the easement for slope purposes to be vacated contains approximately 3,000 square feet. Both are shown on the map that is attached to the enclosed Resolution of Summary Vacation.

The County's interest in the offer of dedication for road easement (Future Street), and the slope easement were acquired in 1977 by dedication in Parcel Map No. 6678, as shown on map filed in Book 75, page 99 of Parcel Maps, in the office of the Los Angeles County Registrar-Recorder/County Clerk as easements for public use for street and slope purposes, respectively.

Mr. and Mrs. Mario Vinden, the underlying property owners, requested the vacation to remove the restrictions of the easement and offer of dedication and allow for construction of a new carport.

There was one objection to the proposed abandonment of the offer of dedication for road easement by a neighboring property owner. The neighbor's stated objection was based on accommodating the possible future widening of Gertrude Avenue.

Despite the possibility that the County may in the future seek to use the area that is subject to the offer of dedication for a future road widening project, the offer of dedication has effectively expired. Pursuant to Code of Civil Procedure Section 771.010, an offer of dedication is conclusively presumed to not be accepted if the following conditions are satisfied: (a) the offer of dedication was made by filing a map only, (b) no acceptance of the dedication was made and recorded within 25 years after the map was filed, (c) the property was not used for the purpose for which the dedication was proposed within 25 years after the map was filed, and (d) the real property was sold to a third person after the map was filed and used as if free of the dedication.

Each of these conditions has been satisfied in this case. The offer of dedication was made by filing a map in 1977, 34 years ago, and the County has neither taken action to accept the offer, nor made any improvements to the area in question. Moreover, the property has been sold to third persons, who have built a retaining wall and other improvements within the area in question. Further, Code of Civil Procedure, Code Section 771.020, would entitle the fee owners of the property subject to the offer of dedication to bring a legal action to clear their title.

This effectively means that the property owners are entitled to prevent the County from accepting the offer of dedication for road easement. Moreover, most of the other properties along the roadway do not have restrictions on the use of the property. Public Works, therefore, believes that the best course of action is to vacate the offer at the request of the property owners. County Counsel has reviewed the project and confirms the conclusions above.

There were no objections to the proposed vacation of the slope easement.

Government Code Section 66477.2(c) provides "Offers of dedication which are covered by subdivision (a) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the California Streets and Highways Code."

The California Streets and Highways Code Section 8333(a) provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

The California Streets and Highways Code Section 8333(c) provides that the legislative body of a local agency may summarily vacate a public service easement that has been determined to be excess, and there are no other public utilities located within the easement.

Adoption of the enclosed resolution and the subsequent recordation will terminate the County's rights and interest in the Easements. Your action will result in the property being unencumbered by the Easements and available to the property owners for use without restriction of the easement or offer of dedication.

**ENVIRONMENTAL DOCUMENTATION**

This action is categorically exempt from the provisions of CEQA as specified in Sections 15305 and 15321 of the State CEQA Guidelines, which state that this class of projects consisting of minor alterations in land use, limitations, and actions to revoke entitlement for use, issued and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This action will allow for additional property taxes through the elimination of the Easements.

**CONCLUSION**

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division - Asset  
Management)  
Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office



The foregoing resolution was on the 4<sup>th</sup> day of October, 2011, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By Julia Wasson  
Deputy

GT:mr

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By Antel  
Deputy



## EXHIBIT A

Project name: GERTRUDE AVENUE EAST OF  
RAMSDELL AVENUE  
**GERTRUDE AVENUE 4-1ABN**

Includes: Parcel No. 4-1VAC  
A.I.N. 5866-016-030 and 031  
T.G. 504-F6  
I.M. 189-197  
R.D. 514  
S.D. 5  
M0688101

### LEGAL DESCRIPTION

**PARCEL NO. 4-1ABN** (Abandonment of offer of dedication for future street):

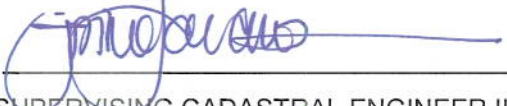
All of those certain 25-foot wide strips of land in Parcels 2 and 3, Parcel Map No. 6678, as shown on map filed in Book 75, page 99, of Parcel Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, shown and designated as "FUTURE STREET" on said map.

Containing: 3,750± square feet

**PARCEL NO. 4-1VAC** (Vacation of easement for slope purposes):

All of those certain strips of land in the above-mentioned Parcels 2 and 3, shown and designated as "20' wide slope easement to the County of Los Angeles" on the above-mentioned map.

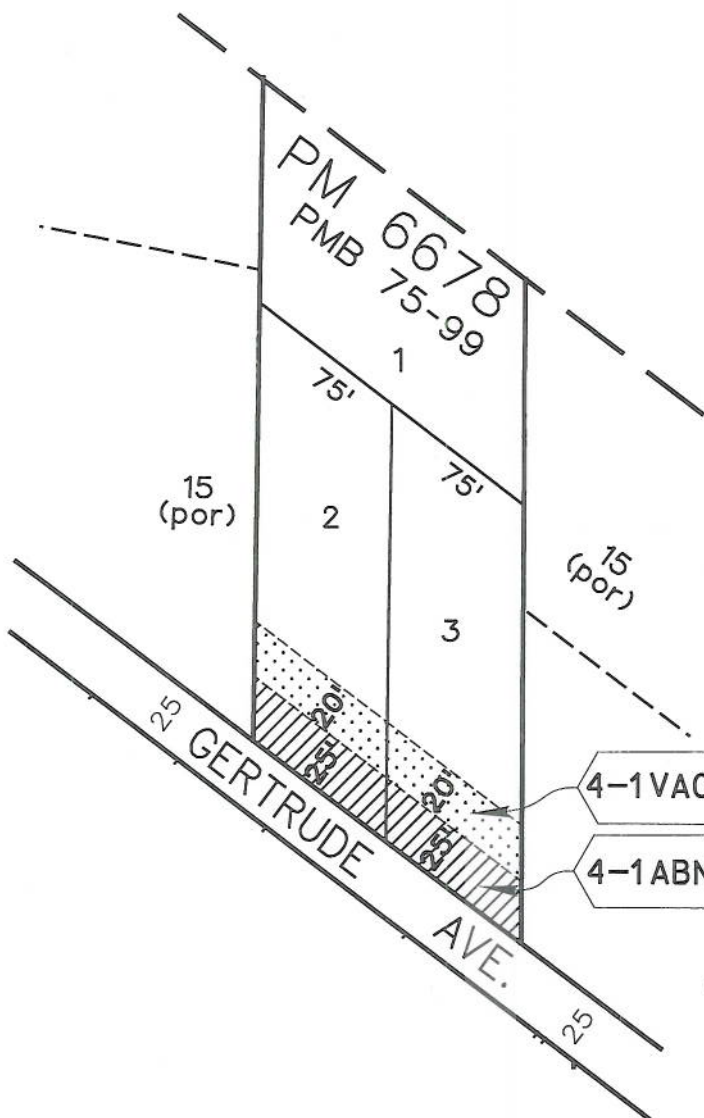
Containing: 3,000± square feet

APPROVED AS TO DESCRIPTION
August 29, 2011
COUNTY OF LOS ANGELES
By 
SUPERVISING CADASTRAL ENGINEER III
Survey/Mapping and Property Management Division

*This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.*



SUBJECT  
LOCATION



## EXHIBIT B

### LEGEND



Future Street to be  
abandoned by the County  
Total Area 3,750± s.f.



Slope Easement to  
be vacated  
Total Area 3,000± s.f.

### REVISIONS

1.

2.

3.

### DEPARTMENT OF PUBLIC WORKS

### SURVEY/MAPPING & PROPERTY MANAGEMENT DIVISION

SD.

RD.

A.I.N.

T.G.

5

514

5866-016-030  
and 031

504-F6

SCALE  
NONE

DATE  
08-15-11

I.M.  
189-197

GERTRUDE AVE  
E/O  
RAMSDELL AVE

DRAWING NO.

M0688101